

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12153 of 2021

Arising Out of PS. Case No.-58 Year-2020 Thana- ANDHRATHARHI District- Madhubani

RADHE SHYAM SAHU Son of Late Srif Lal Sahu Resident of Village -
Mailam, P.s.- Andhratharhi, Dist.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Thakur Ms. Vaishnavi Singh
For the Opposite Party/s	:	Mr. Bisheshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 25-06-2021 This matter is taken up for consideration through
Video Conferencing under the orders of Hon'ble the Chief
Justice.

Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner seeks bail in Andhratharhi P.S. Case
No. 58 of 2020, registered for the offence punishable under
Sections 307, 323 and other allied sections of the Indian Penal
Code. Later on, section 302 IPC was added.

As per the prosecution case, this petitioner along with
other FIR named accused persons assaulted the informant and
his father by lathi, Farsa, as a result of which informant's father
got injury on his head and during course of treatment died.



It is submitted on behalf of the petitioner that there is no allegation of specific overt against this petitioner. Further submitted that FIR was lodged on 03.08.2020, but was presented in the court on 05.08.2020 and no reason has been assigned for sending the FIR so late. It appears from the postmortem report that deceased died due to head injury and rest injuries caused on the right knee, right ankle of the deceased due to fall and one bruise at left ear. Petitioner is in custody since 05.08.2020 having no criminal antecedent, as stated in para 3 of the petition.

Learned APP however, vehemently opposed the prayer for bail and submitted that petitioner is one of the assailants and there is specific and direct allegation that he along with others brutally assaulted the deceased, as a result of which he sustained multiple injuries and later on, he died.

Considering the facts aforesaid and the nature of allegation, I am not inclined to enlarge the petitioner above-named on bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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